

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Ka Lee

Date of Original Judgment: 08/13/2015

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:14-cr-57-KDB-DCK-1USM No: 29660-058

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,


IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 08/13/2015 shall remain in effect.**IT IS SO ORDERED.**

Signed: February 15, 2024


 Kenneth D. Bell
 United States District Judge

Effective Date: _____

(if different from order date)

Kenneth D. Bell

Printed name and title

**This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)**

DEFENDANT: Ka LeeCASE NUMBER: 5:14-cr-57-KDB-DCK-1DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**Previous Total Offense Level: 41Amended Total Offense Level: 41Criminal History Category: IICriminal History Category: IPrevious Guideline Range: 360 to Life monthsAmended Guideline Range: 324 to 405 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)

The amendment to U.S.S.G. §4C1.1 in Amendment 821 does not impact Defendant as he was not a zero-point offender as he had 1 criminal history point. (Doc. No. 106, ¶ 56). However, the amendment to U.S.S.G. §4A1.1 in Amendment 821 does impact the Defendant as he had “status points” as his offense was committed while he was under a criminal sentence. *Id.* at ¶ 57. With the removal of the 2 status points (because Defendant had 6 or fewer criminal history points), criminal history points of 1 equals a criminal history category I. With an offense level of 41 and a criminal history category of I, the sentencing guideline range becomes 324-405 months imprisonment. At sentencing the Court departed downward 2 levels in granting the Government’s 5K motion. (Doc. No. 125 at 2). Applying said 2 level reduction to the amended total offense level of 41 would yield an amended total offense level of 39 and with a criminal history category of I, would yield an amended guideline range of 262-327 months imprisonment. Defendant was sentenced to 180 months imprisonment. (Doc. No. 124). Due to the limitation provided in U.S.S.G. §1B1.10(b)(2)(A), the Court cannot impose a sentence below the already imposed sentence. Amendment 821 provides no relief to Defendant.